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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,342	01/30/2004	Knut Behnke	81716/LPK	8326
7590	05/31/2005		EXAMINER	
Lawrence P. Kessler Patent Department NexPress Solutions LLC 1447 St. Paul Street Rochester, NY 14653-7103			NGO, HOANG X	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary**Application No.**

10/769,342

Applicant(s)

BEHNKE ET AL.

Examiner

Hoang Ngo

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,6-8,13,16,21,23,24,26 and 27 is/are rejected.
- 7) ☒ Claim(s) 2-5,9-12,14,15,17-20,22,25 and 28-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 13, 16, 24, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al.

Takahashi et al disclose an apparatus and process for preventing damage inside a printing machine caused by microwave radiation emanating from microwave fuser mechanism F comprising detecting an undesired effect (i.e. increase in temperature, Col. 1, line 68) of the microwave radiation is automatically and limiting the detected undesired effect by countermeasures 34 (Col. 7, line 62 thru Col. 8, line 47).

Takahashi et al further disclose the countermeasure device 37 provided in the area of the microwave fusing mechanism in response to detection of an undesired effect by the detection mechanism (Fig. 3C).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 6-8, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al in view of Applicant's cited prior art (EP 0 798 116).

As discussed above, Takahashi et al disclose every aspect of Applicant's claimed invention except for the optical detection of a change in the temperature of the printing medium.

The Applicant's cited prior art discloses an optical detection device 23 for detect a change in the temperature of the printing medium (Col. 3, line 57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the temperature-detecting device taught by the Applicant's cited prior art to the apparatus of Takahashi et al so that temperature of the printing medium can be accurately measured.

Allowable Subject Matter

5. Claims 2-5, 9-12, 14, 15, 17-20, 22, 25, and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

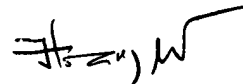
6. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teaches a detecting device wherein an incorrect paper weight of a printing medium is detected or wherein a prolonged presence of printing medium in the area of the microwave mechanism is detected.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 6:00am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hoang Ngo
Primary Examiner
Art Unit 2852

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